IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18295 of 2003

Between:

1 N.Krishna Reddy s/o Pakeera Reddy
Pedagopavaram Primary Agricultural Coop.Credit Society Ltd., Pedagopavaram., Yerrupalem Mandal, Khammam District.
2 N.Veera Reddy s/o Pakeera Reddy
Pedagopavaram Primary Agricultural Co-op Credit Society Ltd., Pedagopavaram., Yerrupalem Mandal., Khammam District.
3 B.Sambayya s/o Appa Rao
Pedagopavaram Primary Agricultural Coop.Credit Society Ltd., Pedagopavaram., Yerrupalem Mandal., Khammam District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, Cooperation Department rep.by its Secretary, Secretariat., Hyderabad.
2 The Commissioner for Cooperation and Registrar of Coop.Societies., Nampalli., Hyderabad.
3 The District Coop.Central Bank Ltd., rep.by its General Manager., Khammam., Khammam District.
4 The District Coop.Officer., Khammam., Khammam District.
5 The Divisional Coop.Officer., Khammam., Khammam District.
6 Pedagopavaram Primary Agricultural Coop.Credit Society Ltd., Pedagopavaram, Yerrupalem Mandal, Khammam District rep.by its Person In-Charge.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not paying the salaries to the petitioners is illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondents to pay salaries to the petitioners without reference to Sec.116-C of the A.P. Co-operative Societies Act, 1964.

Counsel for the Petitioner: MR.A.SATYA PRASAD

Counsel for the Respondent Nos.1,2,4 &5.: GP FOR CO-OPERATION

Counsel for the Respondent No. 3 &6: --

The Court made the following :

:ORAL ORDER:

The petitioners are employees of the 6th respondent-Co-operative Society. The said respondent stopped paying salaries to the writ petitioners since April, 2003. This

was on account of the need of the said respondent-Society to conform to the mandatory requirement of Section 116-C of the A.P. Co-operative Societies Act, 1964 (for short 'the Act'). It is admitted by the petitioners that the financial position of the 6th respondent-Society is not such as to permit payment of salaries to them in the light of Section 116-C of the Act. The petitioners do not establish any liability of the State Government to pay them the salaries. This liability is that of the 6th respondent-Society alone. It is not also established that the 6th respondent-Society is a State within the meaning of Article 12 of the Constitution. In the above circumstances, the writ petition itself is not maintainable nor could any relief be granted on merits, to the petitioners herein. The writ petition is, accordingly, dismissed. The petitioners are, however, at liberty to pursue alternative remedy as is available at law. No costs.

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GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

1 The Secretary, the Government of Andhra Pradesh, Cooperation Department, Secretariat.,
Hyderabad.
2 The Commissioner for Cooperation and Registrar of Coop.Societies., Nampalli., Hyderabad.
3 The General Manager, the District Coop.Central Bank Ltd., Khammam.,

Khammam District.
4 The District Coop.Officer., Khammam., Khammam District.
5 The Divisional Coop.Officer., Khammam., Khammam District.
6 The Person In-Charge, Pedagopavaram Primary Agricultural Coop.Credit Society Ltd., Pedagopavaram,
Yerrupalem Mandal, Khammam District.

7.2CCs to the Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

8.2CD copies